

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

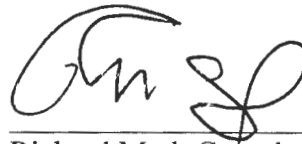
Hampton Hall, LLC,)	Civil Action No. 9:17-1575-RMG
)	
Plaintiff,)	
)	
v.)	ORDER AND OPINION
)	
Chapman Coyle Chapman & Associates)	
Architects AIA, Inc., and Choate)	
Construction Company,)	
)	
Defendants.)	
_____)	

This matter is before the Court on Third-Party Plaintiff Choate Construction Company's motion for an order granting service of process by publication on Third-Party Defendant Continental Installation, LLC (Dkt. No. 93). In support, Choate provides a copy of an envelope addressed to Continental Installation's registered agent, Gerald Vaughn, at 3 Cardinal Court, Unit 305, Hilton Head Island, SC 29926. The South Carolina Secretary of State list Gerald L. Vaughn as the registered agent for Continental Installation, LLC at that address. The U.S. Postal Service, however, returned the envelope to Choate, marked "attempted not known."

The address listed with the Secretary of State is a self-storage unit at Cardinal Court Storage. It does not appear ever to have been Mr. Vaughn's mailing address, and while "Continental Installation, LLC" is listed by the Secretary of State as being in "good standing," the last (and only) filing was on July 29, 2004. Moreover, the Gerald Lee Vaughn at issue appears to have subsequently moved to LaFayette, Georgia, where he deceased on May 5, 2010. *See* <http://www.timesfreepress.com/news/local/story/2010/may/07/obituaries-may-7-2010/15885/>. From his obituary details, it appears that he likely was the sole owner and operator of Continental Installation, LLC.

The Court does not see any utility in service by publication on a person who deceased over eight years ago. Accordingly, the Court **DENIES** the motion and **DISMISSES WITHOUT PREJUDICE** Continental Installation, LLC from this action. Choate may renew its complaint against Continental Installation, LLC if Choate can identify a living person responsible for Continental Installation, LLC.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Court Judge

May 18, 2018
Charleston, South Carolina